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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

AT PORTLAND

**MASONRY BUILDING OWNERS OF  
OREGON, an Oregon mutual benefit  
nonprofit corporation, FOUNTAIN  
VILLAGE DEVELOPMENT LLC, an  
Oregon limited liability company, and  
JIM A. ATWOOD, in his capacity as  
trustee of the Jim. A. Atwood Trust dated  
August 10, 2017,**

**PLAINTIFFS,**

v.

**TED WHEELER, in his official capacity as  
Mayor of the City of Portland and  
Commissioner in charge of the Bureau of  
Development Services, JOANNE  
HARDESTY, in her official capacity as  
Commissioner in charge of the Fire Bureau,  
and CITY OF PORTLAND, an Oregon  
municipal corporation,**

**DEFENDANTS.**

Case No.: 3:18-cv-02194-AC

**PLAINTIFFS' AMENDED MOTION  
FOR PRELIMINARY INJUNCTION**

**FED. R. CIV. P. 65**

**Oral Argument Requested**

### **LOCAL RULE 7-1 CERTIFICATION**

Counsel for plaintiffs conferred with counsel for defendants about the subject of this amended motion on multiple occasions, but were unable to resolve the dispute. The Court has permitted the filing of this amended motion in its minute order of March 14, 2019, Dkt. 41.

### **AMENDED MOTION**

Pursuant to Federal Rule of Civil Procedure 65, plaintiffs Masonry Building Owners of Oregon, Fountain Village Development LLC, and Jim A. Atwood, amend their original Motion for Preliminary Injunction, Dkt. 24, and now move this Court for a preliminary injunction enjoining Defendants from enforcing the City of Portland's Ordinance No. 189399, which amends City Code Chapter 24.85 "Seismic Design Requirements for Existing Buildings." This motion is supported by the memorandum in support and the declaration of Jeff Reingold filed herewith, the declarations of Chris Swift (Dkt. 26), Jim A. Atwood (Dkt. 27), John Beardsley (Dkt. 28), and Walt McMonies (Dkt. 29) filed in support of the original Motion for Preliminary Injunction, evidence that will be presented at the hearing, as well as the pleadings on file in this action.

DATED this 22nd day of March, 2019.

### **DAVIS WRIGHT TREMAINE LLP**

By /s/ John DiLorenzo

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **PLAINTIFFS' AMENDED MOTION FOR PRELIMINARY INJUNCTION** on:

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Of Attorneys for Defendants

☒ by emailing a copy thereof to said attorney at his/her last-known email address as set forth above; and/or

☒ by using CM/ECF electronic service.

Dated this 22nd day of March, 2019.

**DAVIS WRIGHT TREMAINE LLP**

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